

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

AP-COM/666/2025
SANJEEBANI CLINIC PVT. LTD.
VS
NUPUR JOSHI

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 15th September, 2025

Appearance :-

Mr. Aniruddha Mitra, Sr. Adv.

Mr. Ajit Kumar Mishra, Adv.

Mr. Amritam Mandal, Adv.

Mr. Abhishek Dey, Adv. ...for petitioner.

Mr. Meghnad Dutta, Adv.

Mr. Subhrajit Chakraborty, Adv.

Mr. Tanmay Chowdhury, Adv.

Ms. Sulagna Sarkar, Adv. ...for respondent.

The Court :- Heard the parties. This is an application for injunction restraining the respondent from creating any third party interest in respect of the premises in question. Mr. Dutta, learned Advocate appearing for the respondent opposes the prayer for injunction on the ground that the respondent had already entered into another agreement for sale with a third party and no order of injunction can be passed. Such submission is vehemently opposed by Mr. Mitra, learned senior Advocate on the ground that the continuous communications between the parties did not indicate that any agreement had at all been entered into between the respondent and any other third party. These are all open to be decided.

However, considering the fact that the premises is being used as a Clinic and a diagnostic centre since long, the balance of convenience and inconvenience lies in protecting the possession of the petitioner, primarily for the benefit of the patients.

It will be impossible to shift such an infrastructure to any other location, considering the nature of the activities of the petitioner from the said premises. Any disturbance to the continuation of the facilities from the premises will not only be detrimental to the petitioner, but will also cause irreparable loss or injury to the petitioner, to the patients, employees and all those who are connected with the establishment.

Under such circumstances, the Court directs that status quo be maintained with regard to the nature, character and possession of the property for a period of three months from date. The validity and legality of termination of the agreement by the respondent shall be decided in the arbitration proceeding. All further steps that have been taken by the respondent pursuant to such termination, shall be subject to challenge in the arbitration proceeding. The interim order of status quo shall continue for a period of three months, within which time the parties shall invoke arbitration and constitute an arbitral tribunal. The schedule of the property / premises over which status quo shall be maintained is as hereunder :-

“55/1, Bhupendra Basu Avenue (formerly premises No. 1, K.C. Bose Road) under Shyampukur Police Station, Kolkata – 700004;”

The parties are at liberty to pray for further interim order/ reliefs before the learned Arbitrator.

Accordingly, the application is disposed of.

The respondent is at liberty to file the Vakalatnama within a week from date.

(SHAMPA SARKAR, J.)